

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, OCTOBER 21, 2014, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
Matthew S. Hare, Vice Mayor
I. Douglas Adams, Jr.
William W. Nance
Sabrina M. Weeks

STAFF PRESENT: Christopher S. Lawrence, Town Manager
Theresa Fontana, Town Attorney
Susan N. Johnson, Town Clerk
Ryan Spitzer, Assistant Town Manager
Gary Woodson, Public Works Director
Barry Thompson, Finance Director/Treasurer
Anita McMillan, Planning & Zoning Director
Kevin Kipp, War Memorial Facility Manager
Joey Hiner, Public Works Assistant Director
Mark Vaught, Lieutenant-Services

The Mayor called the work session to order at 6:00 p.m.

for a briefing on proposal for a skate park at the corner of Walnut Avenue and West Jackson Avenue. Ryan Spitzer began by commenting that Council was briefed by Dan Coy with Invoke Ministries on September 30th at their Strategic Planning Session about the proposal for a skate park. Staff has met further with Mr. Coy and we have come up with a Scope of Work for both parties and a general agreement on what needs to be done to the current site. A one-page summary was provided with the agenda package.

The cement on the property needs to be leveled to provide a good skating service and the corners needs to be shaped to prevent any accidents or injuries. Mr. Coy and his group already have the ramps and they are working on a site plan for their placement. Most of our parks are only open from dawn to dusk, but due to the nature of the activities they are requesting that the skate park be allowed to stay open until 10:00 p.m. We are in the process of talking with AEP to see if lighting can be added on the poles.

They are proposing to host events two nights a week and one big event each month. A big event would possibly consist of a cook-out and some music. When events are not being held, the park would be open for open skate and would be unattended some of the time. We have discussed this issue with our Town Attorney and VML, our insurance carrier, and we will not be assuming any more liability than any other park in a community.

Mr. Spitzer continued by commenting that we are proposing doing Phase 1 with the current slabs that are there. Phase 2 as a future proposal would be to fill in the old concrete circle track behind the church for a practice area and adding that into their programming. Mr. Coy has several general contractors that volunteer for him and they are willing to do most of the concrete work if we would pay for the materials.

The Town Manager commented that he was able to speak with James Wright who is a member of the First Baptist Church on Jackson Avenue and he was open to the idea. Staff has not been able to talk with anyone at Greater Reed Street Baptist Church, but we will reach out to them and respond to any concerns they might have. Mr. Nance asked if either of the churches have Wednesday night services. Anita McMillan responded that they do. The Mayor commented that we will definitely have to respect their service times and schedule any events around those times.

In response to a question from the Mayor, Mr. Spitzer commented that the costs to the Town would be the concrete and some type of fencing to keep the skateboards from going into the street. We are trying to work out all of the details, but are asking Council for their comments at this time to see if we are heading in the right direction and other items that we might need to address. We also need to know how much Council would be willing to spend on the project.

Dan Coy next made brief comments on how Invoke Ministries has evolved and the proposal for the skatepark. Currently the ramps are being used in open areas where they are allowed to have events. Invoke Ministries is in the process of becoming a 501c3 organization and currently has a home base in Vinton at a warehouse where they work on the ramps and test them out. Mr. Coy also commented that he has several entities that are in support of and are working with him on this project.

Josh Perry, a professional BMX athlete, made brief comments on how BMX has made a difference in his life and taught him a lot of life skills. He wants to assist and support the efforts of Invoke Ministries in any way he can.

Mr. Adams commented that he would like to make sure that the trash stays picked up on the site. Mr. Coy responded that they teach "skate and clean" and encourage anyone who comes to the site to clean up after themselves.

Mr. Coy further commented that he is in the process of meeting with 33 churches in Vinton and has a lot of churches outside the area who have already partnered with

Invoke Ministries as well as a lot of volunteers. There will be supervision present a lot of the time at the site

Mr. Nance commented that he is very much in favor of the idea. He is interested in the partnership that Invoke is bringing to the table and perhaps it will help to avoid some of the issues the last skatepark had. His areas of concern are the costs, being good neighbors to the two churches close to the site and coordination of any special events with other Town functions.

Ms. Weeks commented that when she was campaigning for Council, the skatepark concept came up very often. She was glad to see the turnout at the meeting in support of the project and she hopes that when the final numbers are presented that it will be something that Council will be able to do.

The Mayor commented that he is also very impressed with the turnout of support. He reiterated the importance of working with the schedules of the two churches that are near the site. He further commented that two reasons the prior skate park had to be closed were because of its remote location and the lack of leadership or an organization. Both of these issues have been corrected with this current proposal. Another concern is the evenings when no supervision is present because the Town does not have the staff to do that and we will be counting on Invoke Ministries along with its partners and volunteers to assist with that aspect.

The Town Manager commented that this is the right location because it has public eyes along with the Police Department and Fire/EMS. We have looked at other skateparks in the surrounding areas and none of them are staffed. They are open parks where people come and go when they please and are open from dawn to dusk. We will also make sure we include both of the churches in any formal conversations. Mr. Nance asked if there will be a written Memorandum of Understanding and the Town Manager responded yes. We will also have to post rules, one of which will be that a helmet must be worn. Mr. Nance then asked that we invite representatives of the two churches to be present at the Council meeting when action will be taken on the proposal. Council gave their consensus to move forward with the proposal and bring the final details back at a future meeting.

The next item on the work session was a briefing on proposed new rate structure for weddings and receptions at the Vinton War Memorial. Kevin Kipp commented on the spreadsheet provided with the agenda showing other

venues in the area and a comparison of their rates with the War Memorial. We are focusing on specifically the wedding market, not the business market and we are now quoting from \$2,800 to \$3,200 into early 2015. This is the published rate on our website. We are looking forward to the FY2015-2016 year and suggesting that we increase the prices incrementally. In talking with clients, we do let them know of the possibility that the rates would increase from five to seven percent which is also published on the website. We also have a little bit of leverage with the rates and can work with each client individually. Mr. Kipp further commented that the managers of some of the other venues are also increasing their rates as well.

Regarding corporate or more day to day rates, we offer bulk pricing for the room or a "per person" rate which ranges from an average of \$5.50 to \$7.00 per person. We use a room minimum in this rate structure as well.

Mr. Nance said he does think the customers are satisfied with the building, but he hears comments from repeat customers who have received increased bills. He asked if we approve a rate increase, how is that resolved with customers who have a yearly meeting or event at the War Memorial and expect a certain price. Mr. Kipp responded that without exact data, he is not able to respond, but the repeat business has substantially increased over the past few years. Mr. Nance further commented that the conflict lies in whether the War Memorial is a business or a community center and can it be both. Mr. Kipp further commented that even though they have stopped allowing use of the building for free, we feel that the community organizations that we work with have embraced this and we have received positive results. We have doubled our wedding business in the past 12-14 months. Mr. Nance further commented that the War Memorial is an icon in the community, but if Council wants to reduce the amount of taxpayer money that is going to subsidize the War Memorial, it has to be run as a business. But when it is run as a business, it creates a problem when you are dealing with a community that is expecting a government space.

Vice Mayor Hare commented that our costs at the War Memorial are going up and no one likes to pay more for services. However, there is a lot of value in the services that clients get at the War Memorial. He then asked about the rate increase and what it is based on. Mr. Kipp responded that they tell clients the rate is based on day and date (time of year), square footage, number of people and the nature of the event. We are in the business of selling Saturdays and everything else we do fills in around that.

Saturdays are our most expensive day and that is the highest demand day. The variable is not that huge, but in January if a client only needs Dogwood North for 80 people, we can go with the lower rate because we do not have the demand in January and February.

After additional comments by Council, the Town Manager stated that this rate structure provides the ceiling and Mr. Kipp has the authority to work with and negotiate rates with any of the clients. The proposal is to raise the ceiling, but every single sale is not going to be at the highest rate and most of them are at a lower rate. He will work within that range to get the business and do whatever it takes to take care of the client.

Mr. Adams commented in closing that the reputation the War Memorial had years ago did not happen overnight and it is not going to completely be erased overnight. It seems that what Mr. Kipp is doing is the right thing and that he is being very professional and fair. Ms. Weeks commented that often times people only see numbers and do not sit down and understand the value of the services. But once it is explained and they understand, it makes a difference. Council gave their consensus on the rate structure proposal. The matter will be brought back to Council for final approval.

The Mayor called the regular meeting to order at 7:00 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Nance, Council Member Weeks, Vice Mayor Hare and Mayor Grose present. After a Moment of Silence, Vice Mayor Hare led the Pledge of Allegiance to the U.S. Flag.

Roll call

Under upcoming community events/announcements, Ms. Weeks commented on the success of the Fall Festival and the Octoberfest. This Friday at the Woodland Place there is a dinner, silent auction and costume contest to benefit the Franklin County Humane Society. The Citizen Police Academy continues and she encouraged everyone to consider participating the next time it is offered. The Christmas Parade will be December 4th. The downtown trick or treat will be on October 30th from 2:30 pm to 4:45 pm. Mary Beth Layman announced the Zombie Walk on November 1st which benefits the Needy Family Fund.

Mr. Nance announced that the Breakfast Lions Club will be having their annual spaghetti dinner prior to the Christmas Parade on December 4th. Also, on November 20th is the Chamber Membership Meeting and State of the Town at the War Memorial at 8:00 a.m.

Mr. Nance made a motion to approve the Consent Agenda as presented; the motion was seconded by Mr. Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Approved minutes for the regular Council meeting of September 16, 2014 and Council Strategic Planning Session of September 30, 2014

The Mayor next recognized employees from TMEIC Corporation for their United Way Days of Action Project at the Charles R. Hill Senior Center. Mary Beth Layman commented that on September 9th a group of nine employees from TMEIC volunteered the entire day and painted the exterior of the Senior Center.

Nate Schuckers with United Way made brief comments and expressed thanks to the Town for allowing TMEIC to do this project. He has the privilege of working with the Town of Vinton and TMEIC and this organization is very active in the community. These nine employees were part of a group of over 350 volunteers that came out representing about 40 different companies to do Days of Action projects in our communities.

The Mayor expressed thanks on behalf of the Town for the work done by the TMEIC employees and presented a Certificate of Appreciation and a volunteer pin for each of the employees as well as the company.

In closing, Ms. Layman commented that if the work had been contracted out, it would have cost from \$3,500 to \$3,700.

Council Member Nance read two Memos from Chief Cook naming Detective Sergeant James Testerman and Officer James Spence as Officers of the Month for September.

The next item for consideration was an Ordinance amending Chapter 10, Animals, Article II – Dogs and Cats, Division 1, Generally, Section 10-47, Limitation on number of dogs and cats of the Vinton Town Code and establishing an effective date. The Town Manager commented that Council was briefed on this item at a prior work session. This was based on a number of requests from citizens to increase the number of dogs and cats that a resident can have. The proposal is to increase the number from two to four with the requirement that any additional dogs or cats over two must be spayed or neutered. The way that we will manage this is through our licensing process that is handled by our Finance Department. As far as enforcement by our Police Department, it is handled mostly on a complaint basis.

David Flagler, Executive Director for the Regional Center for Animal Care and Protection and a resident of Vinton, commented that he has lived in numerous places in the United States and the Town is one of the very few with this limit. He would hope that Council would support this proposed change to make it consistent with the other surrounding localities. He further commented that spaying and neutering is a critical issue because we have a pet overpopulation in this area and throughout the State.

Vice Mayor Hare asked about the purpose of having a licensing program. If we are serious about spaying and neutering, why not say if your animal is spayed or neutered, it is free and if not, the charge will be \$100 a year or somewhere in the middle. Mark Vaught, Police Lieutenant, responded by saying the licensing program is for two purposes. One, if the animal gets away from its home and is found, we are able to locate the owner and return the animal. Second is the rabies issue. In order to obtain a license, the animal must be vaccinated against rabies, so if it bites someone, we have the information to contact the owner and know that it has been vaccinated. If the fee is raised to a certain level, then people may not be able to afford the fee which will be put an extra burden on the Police Department and we will have a hard time gathering this information.

The Town Manager commented that anytime an animal is picked up and it has a tag, we always contact the owner first. This prevents not having to put the animal in the pound. Barry Thompson also commented that if an animal is turned into the pound, they also call the Finance Department to get the owner information. Now, by State law, when a Veterinarian vaccinates an animal for rabies, they send us notification and we are required to send a letter to the owner letting them know of the requirement to have a license.

Mr. Flagler further commented that responsible pet owners are the ones that spay and neuter their pets. If the fee was increased, those people who do not spay and neuter their pets probably would not comply because they do not see the value of spaying and neutering. However, as a society we are evolving to be more responsible. The most critical function of the licensing is the ability to get the animals back to their owners.

Mr. Nance commented he has no issue with increasing the numbers. He does not see the spay and neuter component being enforced, so why should it be included and should we pass a provision that is only good on paper. The Town

Manager responded that if an owner is in violation, we will not issue a license and they will be issued a summons that they are in violation of the Town Code which is a Class 4 misdemeanor. Lieutenant Vaught stated that if there is a violation, we work with the owner to get them in compliance with the limit. The Mayor commented that he agreed with Mr. Nance's comments. However, he feels that the spay and neuter component sets a community standard. His main concern is that we increase the number of animals that our citizens are allowed to have.

Vice Mayor Hare made a motion to adopt the Ordinance as presented; the motion was seconded by Ms. Weeks and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

The next item was to consider adoption of a Resolution authorizing the Town Manager file an application for allocation of Virginia Department of Transportation (VDOT) Fiscal Year 2015-2016 Revenue Sharing Program funds for Glade Creek Greenway Extension. The Town Manager first commented that Anita McMillan has been very successful in getting commitments from several resources which will reduce the required match that the Town will have to pay.

Ms. McMillan commented that in August she briefed Council on the proposal to apply for VDOT revenue sharing funds for the Glade Creek Greenway extension which requires a match of 50 percent. Council directed staff to see if they could get funds from other sources to cover the match. Ms. McMillan reported that she has a commitment of \$12,500 from Pathfinders for Greenways and the Roanoke Valley Greenway Commission; \$10,000 from the Roanoke County Corridor Fund and \$10,000 from the Roanoke County Economic Development Authority. This will leave the Town to fund \$17,500 of the match. The total project will be around \$262,000.

Mr. Nance and other Council members expressed their appreciation to Ms. McMillan for her efforts in obtaining these commitments toward the 50 percent match. Vice Mayor Hare commented regarding the value of the Greenway to the Town and Ms. McMillan further commented that Roanoke County, the City of Roanoke and Botetourt County are also applying for RSTP funds to do the Tinker Creek Greenway all the way to Botetourt. The Town Manager reminded Council that PFG owns the property where the Greenway will go and they have been very supportive of the project.

Adopted Ordinance No. 956 amending Chapter 10, Animals, Article II – Dogs and Cats, Division 1, Generally, Section 10-47, Limitation on number of dogs and cats of the Vinton Town Code and establishing an effective date

Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Mr. Nance and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Adopted Resolution No. 2081 authorizing the Town Manager file an application for allocation of Virginia Department of Transportation (VDOT) Fiscal Year 2015-2016 Revenue Sharing Program funds for Glade Creek Greenway Extension

Ms. McMillan commented that the application to the American Electric Power Foundation for the canoe site has been approved for \$11,500.

The next item was to consider adoption of a Resolution authorizing a Refund Payment of Bank Franchise Taxes to Bank of America, N.A. for amended Bank Franchise Tax Returns for taxable years 2010, 2011 and 2012. Barry Thompson made brief comments that the Virginia Department of Taxation audited the amended Tax Returns and it was determined that a refund was due of overpaid Bank Franchise Taxes in the amount of \$13,911,504. The State portioned that amount according to Code to all localities that were affected by these returns.

The Town of Vinton amount for the three year period is \$23,601 not including interest. There are three options for repayment, one of which is to pay the total amount in full by December 31, 2014 with no interest. The second option would be to pay the amount by June 1, 2016 with interest at 10% of \$3,110. The third option is to pay with interest by June 1, 2016 and have it come out of our payments from Bank of America, which is not an option for us since Bank of America will not exist in our area. Mr. Thompson's recommendation to Council is to pay the total amount by December 31, 2014 with no interest. Mr. Nance commented that this matter was discussed at the Strategic Planning Session and he believes the best option is to pay it without interest.

Mr. Adams made a motion to adopt the Resolution as presented; the motion was seconded by Mr. Nance and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Adopted Resolution No. 2082 authorizing a Refund Payment of Bank Franchise Taxes to Bank of America, N.A. for amended Bank Franchise Tax Returns for taxable years 2010, 2011 and 2012

The next item was to consider adoption of a Resolution awarding a bid and approving the Town Manager's execution of an Emergency Sewer Line Repair Project Contract with Wells Construction Co., Inc., in the amount of \$93,070.00. The Town Manager commented that he has already executed this Contract on an emergency basis. Gary Woodson next

commented that a section of sanitary sewer line collapsed in the 1000 block of Washington Avenue between North Mitchell and North Preston. It was a very deep system and after trying to work with the system to try and open it up, it collapsed in several places. We decided rather than to dig up the middle of the No. 1 lane of Washington Avenue and a short piece of the No. 2 lane, that we would go into the grassy area on the side.

We contacted our consulting engineering firm to complete a survey and design of the site. We went under emergency procurement and received the low bid from Wells Construction, the same contractor that is doing the water line on Jefferson and negotiated some prices. The first day they started working on the lower end, they ran into rock at four to five feet and continued to dig down to about eight feet. They needed to go down about 17 feet, so the work was stopped. We determined that if we are going to continue to hit rock and incur additional costs, we need to look at other options.

Our proposal now is to go the other direction, east toward By-Pass Road. There are about four homes on the lateral so we are going to lay the pipe shallow, about six feet, and come across through directional bore underneath the roadway and cross over at the Masonic Lodge area and connect into an existing manhole. We are currently trying to get agreements signed by the property owners to work on their property and then we will get final easements once the project is completed. Mr. Woodson continued by commenting that this will add about \$10,000 to the original contract. We are charging everything in a holding account that has been set up for the project. Once the project is completed, we will come back to Council to appropriate the funds to cover the costs.

Mr. Adams asked where the sewage is going while the line is collapsed. Mr. Woodson responded that during the time of high demands, they are going into the line, trying to open it up to relieve it and then the sweeper comes by and sweeps it away. We have also dug a pit adjacent to the roadway and we go out daily and pump it, take it to the pump station and discharge it.

Mr. Nance made a motion to adopt the Resolution as presented; the motion was seconded by Mr. Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

The next item was to consider adoption of a Resolution transferring funds within the General Fund in the amount of \$7,630 to pay W. C. Butler Heating & A/C Inc. for a new

Adopted Resolution No. 2083 awarding a bid and approving the Town Manager's execution of an Emergency Sewer Line Repair Project Contract with Wells Construction Co., Inc., in the amount of \$93,070.00

HVAC System for the second floor of the Health Department building. The Town Manager commented that when the Alexander Film Group moved into the top floor of the Health Department building, it was discovered that the HVAC system was not operational and could not be repaired. We solicited two bids to replace the system and W. C. Butler was the low bidder. We did not budget for this expense, so we are recommending that we transfer the amount from the Building and Grounds, Contract Services line item.

Mr. Adams made a motion to adopt the Resolution as presented; the motion was seconded by Ms. Weeks and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Under update on old business, the Town Manager gave an update on the road damage to Cedar Avenue and Etna Avenue. The Town Manager commented that he was advised that Chris Heptinstall came to the last Council meeting and expressed concerns about the road damage to Cedar Avenue. This damage was caused on Cedar from the increased traffic and weight of dump trucks that were running debris from the new Walmart site on Virginia Avenue to Mr. Barton's property on Etna Avenue. Mr. Barton has taken care of the damage on Etna Avenue and we have decided to take care of the damage on Cedar Avenue with Mr. Barton reimbursing the Town for the costs incurred. There is a water line on Cedar Avenue and because it is used more than Etna, we want to make sure it is repaired properly.

In all fairness to Mr. Barton, if the bridge was not being constructed and the road closed, he would have typically come down Walnut and up 5th Street to access his property. For everyday normal traffic, Cedar is fine, but it is not made to hold up under heavy dump truck traffic. Our Public Works will begin making the repair once they complete the water line project at South Hampton, hopefully within a month.

The Mayor commented that he thought we had a very productive Strategic Planning Session on September 30th. He expressed thanks to everyone who worked to make the Fall Festival a success. Also, congratulations to the Vinton Volunteer First Aid Crew for the celebration of the 75th anniversary and he enjoyed hearing Randy Krantz speak at the event.

Comments from Council: Mr. Nance commented also on the Fall Festival and the 75th Anniversary of the First Aid Crew. Ms. Weeks commented on the VML Conference that she recently attended.

Adopted Resolution No. 2084 transferring funds within the General Fund in the amount of \$7,630 to pay W. C. Butler Heating & A/C Inc. for a new HVAC System for the second floor of the Health Department building

Mr. Adams asked about an update on the renovations to the Fire Department building and the Town Manager responded that a meeting has been scheduled for tomorrow to review the final architectural/engineering plans with staff and Chief Oakes and Chief Philpott. Once we have our final comments, we will sit down with the engineer and the package will be ready to put out for bid. Mr. Adams also expressed thanks to Council for their attendance at the 75th Anniversary Celebration of the First Aid Crew.

The Mayor asked about the 24-hour career staff and the Town Manager responded that they are in place now at the Mount Pleasant station and serving East Roanoke County. They will move over to Vinton as soon as the renovations are completed.

Vice Mayor Hare commented that VDOT has been giving specific training to its staff regarding the treatment of patients who potentially have Ebola and are we prepared. Mr. Adams stated that just last night the Crew had a training meeting on the signs and symptoms to look for and the vehicles are all equipped with the necessary equipment. The Roanoke County dispatchers are now asking certain questions when someone calls them. He has also received a long list from the Virginia Health Department that is going out to all of the squads. The Town Manager commented that there is a conference call with the Governor tomorrow regarding what the State is doing to prepare and also a local session will be held at Virginia Western Community College for all local public safety personnel.

Vice Mayor Hare made a motion to adjourn the meeting; the motion was seconded by Mr. Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0) – None. The meeting was adjourned at 8:58 p.m.

Meeting adjourned

APPROVED:



Bradley E. Grose, Mayor

ATTEST:


Susan N. Johnson, Town Clerk